

**SPEECH-LANGUAGE PATHOLOGY GOVERNING BOARD
OFFICE OF LICENSED ALLIED HEALTH PROFESSIONALS
CONCORD, NEW HAMPSHIRE**

In The Matter Of:

Docket #02-2015

**Katherine E. Colbert, CFY-NH Provisional
(Adjudicatory/Disciplinary Proceeding)**

DECISION AND ORDER

By the Board: Maureen Heckman, SLP, Chair, Laura Darling, SLP, Robyn Kingsley, SLP,
and Deborah Snow-Major, SLP

Also present: Tina M. Kelley, Administrator to the Board

Appearances: None

Background:

Ms. Colbert was granted a provisional license, number P-0575, on March 6, 2014. The provisional license was sent to Ms. Colbert's supervisor, Michelle Strand, at Presidential Oaks, 200 Pleasant Street, Concord New Hampshire.

On April 20, 2014 Ms. Colbert submitted the Speech-Language Pathology Clinical Fellowship Report and Rating Form. According to the report, Ms. Colbert's Clinical Fellowship year ended on November 18, 2014. Included with the Clinical Fellowship Report and Rating Form was a letter from Ms. Colbert's supervisor endorsing her application for full licensure.

On May 11, 2015 Ms. Colbert submitted two letters from the American Speech-Language-Hearing Association ("ASHA") and a letter she had written to the Board explaining why she did not submit the Report and Rating Form within four weeks of completing her clinical fellowship experience, as required. First, Ms. Colbert submitted a letter from ASHA dated January 29, 2015 informing her that she had met the Standards for the Certificate of Clinical Competence in Speech-Language Pathology and that her application for certification had been approved.

Second, the Board received a letter addressed to "To Whom It May Concern" from ASHA verifying that Ms. Colbert holds a currently valid Certificate of Clinical Competence in CCC-SLP as issued by ASHA with an effective date of January 29, 2015. Finally, Ms. Colbert submitted a letter, dated May 5, 2015, to the Office of Licensed Allied Health Professionals explaining why her report and rating form was not submitted within four weeks of completion of her clinical fellowship experience. Ms. Colbert states that she forgot to send it to the Board and thought that she had until the expiration of the provisional license to provide the form, which was set to expire on September 6, 2015.

The Board reviewed the application for licensure and Clinical Fellowship Report and Rating Form at their meeting held June 4, 2015. Ms. Colbert appeared before the Board and requested that she be allowed to address the Board regarding the fact that she had not submitted the Report and Rating Form within the required four weeks of completion. She stated that she had seen the attachment that was on the form itself and had reviewed all rules applicable to her clinical fellowship year with her supervisor and was aware that she was supposed to submit the form within four weeks. She stated that she had simply forgot to do so and had no other reason why she had not complied with the requirement. In addition, she stated that she was not currently working under supervision.

After reviewing all documents and taking Ms. Colbert's statements into consideration, the Board instructed their Administrator, Tina M. Kelley, to send Ms. Colbert a letter informing her that she must obtain a supervisor immediately. In order to show compliance with the Board's Administrative rules, the Board asked Ms. Colbert to submit to the Board's office no later than June 22, 2015 the following:

1. A supervision form completed in its entirety by her supervisor;
2. A description of any gaps in supervision;
3. A list of any and all employers; and
4. A statement describing any and all designations she had been using after her name from the time she was granted a Provisional License.

On June 16, 2015 Ms. Colbert hand delivered the letter of explanation and updated Supervision form.

Relevant Law:

RSA 326-F:8 states:

I. Individuals holding currently valid licenses issued under this chapter may use the title "speech-language pathologist" and write the designation "licensed speech-language pathologist" following his or her written name.

II. No person shall represent himself or herself or the services offered by using the letters "SLP" or the words "speech-language pathologist", "speech-language pathology", "speech pathologist", "speech pathology", "speech therapist", "speech therapy", "speech correctionist", "speech correction", "speech clinician", "language pathologist", "language pathology", "aphasiologist", "voice pathologist", "voice pathology", "language therapist", "language therapy", "communication disorders", or any similar words if the intent of such use is to imply that the person is licensed, unless licensed under this chapter.

III. Any person who states or implies by word or act that he or she is currently licensed to practice speech-language pathology at a time when she or he does not hold a currently valid license shall be guilty of a misdemeanor.

RSA 328-F:23, II (j) states:

Violation of any provision of this chapter, of any governing board's practice act or rule adopted pursuant to RSA 541-A, or of any state or federal law reasonably related to the licensee's authority to practice or ability to practice safely.

Spe 308.05(a)(2), entitled Eligibility of Provisional Licensees for Full Licensure, provides:

The Board shall issue full initial licenses to provisional licensees if they have:... Documented completion of the post-graduate professional experience within 4 weeks of its completion by submitting an original of the report and rating form(s) utilized during the post-graduate professional experience.

Spe 308.05(a)(2) states:

The board shall issue full initial licenses to provisional licensees if they have:... Documented completion of the post-graduate professional experience within 4 weeks of its completion by submitting an original of the report and rating form(s) utilized during the post-graduate professional experience.

Spe 309.03(b) provides:

Before beginning the post-graduate professional experience the provisional licensee shall:

(1) Inquire of ASHA whether the intended supervisor holds a currently valid certificate of clinical competence;

- (2) Read and understand Spe 308 and Spe 309; and
- (3) Understand the use of the report and rating form.

Spe 404.01(i) states:

Misconduct shall be... Violation of:

- (1) Any provision of RSA 328-F;
- (2) Any provision of RSA 326-F;
- (3) Any rule adopted by the board; or
- (4) Any state or federal law reasonably related to the authority of the licensee or certificate holder to practice or the ability of the licensee or certificate holder to practice safely.

Spe 406.01(d) provides:

Individuals holding a currently valid provisional license under these rules shall use "CFY/NH Provisional" following his or her written name.

Principle of Ethics III, Rule A:

Individuals shall not misrepresent their credentials, competence, education, training, experience, or scholarly or research contributions.

For all applicants, Spe 303.02(k), requires:

[o]n part 2 of the form the applicant shall place his or her notarized signature, printed full name and the date of signing below the following preprinted statement:

"I acknowledge that knowingly making a false statement on this application form is a misdemeanor under RSA 641:2, I. I certify that the information I have provided on all parts of the application form and in the documents that I have personally submitted to support my application is complete and accurate to the best of my knowledge and belief. I also certify that I have read the statute and the rules of the Board and promise that, if I am licensed, I will abide by them."

Findings of Fact and Rulings of Law:

- Ms. Colbert was issued a New Hampshire Provisional license, P-0575, on March 6, 2014 with an expiration date of August 6, 2015, and the license was received by her supervisor, Michelle Strand.
- Ms. Colbert signed the notarized application for licensure on December 12, 2013 attesting to the fact that she had read and understood the statute and rules of the Board and promised that if she was licensed she would abide by them as required by Spe 303.02(k).

- Ms. Colbert provided the Board with evidence that she was and is currently practicing under proper supervision.
- Ms. Colbert used the credentials “Speech-Language Pathologist” and “SLP” in conjunction with her name during the Clinical Fellowship Year and failed to use the credentials “NH/CFY Provisional,” in violation of RSA 326-F:8, RSA 328-F:23, II(j), Spe 404.01(i); Spe 406.01(d), and *Principle of Ethics III, Rule A*.
- Ms. Colbert failed to submit the Clinical Fellowship Report and Rating Form with four weeks of completion of her Clinical Fellowship experience, in violation of RSA 328-F:23, II(j), Spe 308.05(a)(2), Spe 308.03(a)(2), and Spe 404.01(i).
- Ms. Colbert failed to read and understand the rules that apply to individuals holding a Provisional License, in violation of RSA 328-F:23, II(j), Spe 309.03(b), and Spe 404.01(i).

At the hearing the Board reviewed numerous exhibits submitted with the Notice of Hearing, Order to Show Cause. The following exhibits were entered into evidence:

Board Exhibits:

Exhibit #1 – Katherine Elizabeth Colbert, CFY-NH Provisional license.

Exhibit #2 – Speech-Language Pathology Clinical Fellowship (SLPCF) Report and Rating Form.

Exhibit #3 – November 19, 2014 letter from Michelle Strand, SLP.

Exhibit #4 – American Speech-Language Hearing Association letter dated January 29, 2015.

Exhibit #5 - American Speech-Language Hearing Association letter dated January 29, 2015.

Exhibit #6 – Letter from Katherine E. Colbert to the Board dated May 5, 2015.

Exhibit #7 – Notice to Licensee outlining four week requirement.

Exhibit #8 – Letter from the SLP Board to Ms. Colbert, CFY-NH Provisional dated June 5, 2015.

Exhibit #9 – Response to letter dated June 5, 2015 from Ms. Colbert dated June 15, 2015.

Ms. Colbert testified that she did not fully understand the rule for provisional licensure and to go from provisional licensure to full licensure. She stated that she and her supervisor had informally sat and gone over provisional licensure. She stated that her actions—not submitting the Report and Rating Form to the Board but instead submitting it only to ASHA—were due to her not understanding the rules and laws and in addition were careless on her part. She acknowledged that she was using MCCF – SLP after her name during the Clinical Fellowship Year. She further

acknowledged that she had not kept the Board informed of her current employer during the Clinical Fellowship year. She did show evidence that she had supervision after the completion of her Clinical Fellowship experience by submitting documentation to the Board on June 15, 2015, Exhibit #9.

THEREFORE, IT IS HERBY ORDERED that Ms. Colbert is REPRIMANDED.

IT IS FURTHER ORDERED that Ms. Colbert shall be fined \$110.00 due to be paid within 30 days of the date of this Order. The check shall be made payable to the Treasurer, State of New Hampshire.

IT IS FURTHER ORDERED that a full unrestricted license shall be issued to Ms. Colbert once the \$110.00 fine is paid.

IT IS FURTHER ORDERED that within fifteen (15) days of the effective date of this Decision and Order, Ms. Colbert shall furnish a copy of this Decision and Order to any current employer for whom she performs services as a Speech-Language Pathologist and to any agency or authority which licenses, certifies, or credentials Speech-Language Pathologists with which Ms. Colbert is presently affiliated.

IT IS FURTHER ORDERED that Ms. Colbert furnish a copy of this Decision and Order to any employer and/or agency, or authority which licenses, certifies, or credentials Speech-Language Pathologists one year from the effective date of this Decision and Order.

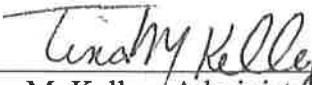
IT IS FURTHER ORDERED that Ms. Colbert's breach of any terms and conditions of this Decision and Order shall constitute unprofessional conduct pursuant to RSA 328-F:23, II.

IT IS FURTHER ORDERED that this Decision and Order shall become a permanent part of Ms. Colbert's file, which is maintained by the Board as a public document.

IT IS FURTHER ORDERED that this Decision and Order shall take effect as a final Order of the Board on the date it is signed by an authorized representative of the Board.

BY ORDER OF THE BOARD

Date: August 5, 2015



Tina M. Kelley, Administrator
Authorized Representative of the New Hampshire
Speech-Language Pathology Governing Board